

Amendment No. 2 to SB2455

Watson
Signature of Sponsor

AMEND Senate Bill No. 2455*

House Bill No. 2606

by adding the following new language immediately preceding the effective date section and by renumbering the subsequent section accordingly:

SECTION __. Tennessee Code Annotated, Section 63-28-112, is amended by deleting subsections (a) and (b) in their entirety and by substituting instead the following:

(a) To assist the board of medical examiners in the performance of its duties, there is hereby established the committee for clinical perfusionists, composed of seven (7) members who are each appointed by the governor. The committee shall approve the examination required by this chapter. The chair of the committee shall be a perfusionist.

(b) The committee shall consist of four (4) perfusionist members, one (1) hospital administrator from a licensed health care facility in Tennessee in which cardiac surgery is performed, one (1) licensed physician who shall be either a cardiac surgeon or a cardiac anesthesiologist, and one (1) public member. The public member shall be a resident of Tennessee for one (1) year and shall be a registered voter. The public member shall be a person who is not and never was a member of any medical profession or the spouse of a medical professional. The public member shall not be a member of, or a consultant to, any trade association in the field of health care. The public member shall not have or have had a material financial interest in either the provision of professional services specified by this chapter, or any activity or organization directly or indirectly related to any licensed profession specified in this chapter. Members may be appointed by the governor upon recommendation by the committee for clinical perfusionists. The members of the committee shall be appointed for terms of six (6) years, except those first appointed, of whom one (1) shall be appointed for a term of one (1) year, one (1) shall be appointed for a term of two (2)

years, two (2) shall be appointed for a term of three (3) years, one (1) shall be appointed for a term of four (4) years, one (1) shall be appointed for a term of five (5) years and one (1) shall be appointed for a term of six (6) years. The perfusionist committee members shall be residents of the state of Tennessee for at least one (1) year, shall be United States citizens and shall meet all the requirements for licensing provided in this chapter. In making appointments to the committee, the governor shall ensure that the committee is representative of the environments in which perfusionists practice. The hospital administrator member and the physician member shall be residents of Tennessee. In making appointments to the committee, the governor shall strive to ensure that at least one (1) person serving on the committee is sixty (60) years of age or older and that at least one (1) person serving on the committee is a member of a racial minority. Of the total membership of the committee, no less than two (2) members shall be from each grand division of the state. In making the initial appointments to the committee, the perfusionist members shall not be required to be licensed but shall apply for a license from the committee within ninety (90) days of the issuance of licenses by the committee.

SECTION __. Tennessee Code Annotated, Section 63-28-112, is further amended by adding the following language as a new subsection (c) and by redesignating present subsection (c) and all subsequent subsections accordingly:

(c)

1) Notwithstanding the provisions of § 3-6-304 or any other law to the contrary, and in addition to all other requirements for membership on the committee:

(A) Any person registered as a lobbyist pursuant to the registration requirements of title 3, chapter 6 who is subsequently appointed or otherwise named as a member of the committee shall terminate all employment and business association as a lobbyist with any entity whose business endeavors or professional activities are regulated

by the committee, prior to serving as a member of the committee. The provisions of this subdivision (1)(A) shall apply to all persons appointed or otherwise named to the committee after July 1, 2010;

(B) No person who is a member of the committee shall be permitted to register or otherwise serve as a lobbyist pursuant to title 3, chapter 6 for any entity whose business endeavors or professional activities are regulated by the committee during such person's period of service as a member of the committee. The provisions of this subdivision (1)(B) shall apply to all persons appointed or otherwise named to the committee after July 1, 2010, and to all persons serving on the committee on such date who are not registered as lobbyists; and

(C) No person who serves as a member of the committee shall be employed as a lobbyist by any entity whose business endeavors or professional activities are regulated by the committee for one (1) year following the date such person's service on the committee ends. The provisions of this subdivision (1)(C) shall apply to persons serving on the committee as of July 1, 2010 and to persons appointed to the committee subsequent to such date.

(2) A person who violates the provisions of this subsection shall be subject to the penalties prescribed in title 3, chapter 6.

(3) The bureau of ethics and campaign finance is authorized to promulgate rules and regulations to effectuate the purposes of this subsection. All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, and in accordance with the procedure for initiating and proposing rules by the ethics commission to the bureau of ethics and campaign finance as prescribed in § 4-55-103.

SECTION _____. The provisions in this act which prohibit a member of the public with a material financial interest in any activity or organization indirectly related to any licensed profession specified in title 63, chapter 28 from serving on the committee and which require the hospital administrator and physician members to be residents of Tennessee shall apply to all appointments made to the committee after July 1, 2010.